

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32068 of 2014

Arising Out of PS.Case No. -53 Year- 2014 Thana -KATORIA District- BANKA

- =====
1. Suchit Yadav . son of Late Zeera Yadav Resident of village - Palania,
P.S. Katoria, District - Banka
2. Thakur Yadav son of late Shiv Shivratri Yadav Resident of village -
Palania, P.S. Katoria, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.32099 of 2014

Arising Out of PS.Case No. -53 Year- 2014 Thana -KATORIA District- BANKA

- =====
1. Sahdeo Yadav son of Late Manu Yadav Resident of village - Palania,
P.S. Katoria, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.32068 of 2014)

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

(In Cr.Misc. No.32099 of 2014)

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Shailendra Kumar No. 1 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 24-12-2014

Above noted both the applications have arisen out

of one occurrence i.e. Katoria P.S. Case No. 53 of 2014 registered

for the offences punishable under Sections 147, 148, 149, 341,

326, 307, 302 of the Indian Penal Code as such they have been

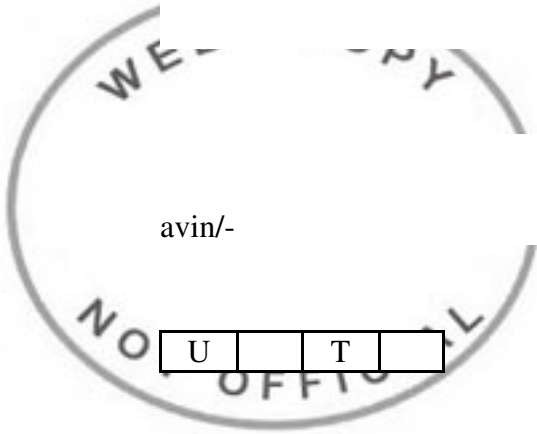
heard together and are being disposed of by this common order.

Allegedly, the petitioners and other co-accused being armed with lathi, axe and hammer surrounded the father of the informant and started assaulting him brutally with intention to kill and when the informant tried to rescue, the petitioner Thakur Yadav gave lathi blow to Mahesh Yadav the brother of the informant and fractured the wrist of Mahesh Yadav and when the villagers started assembling, they fled away. The father of the informant succumbed to the injuries in the way to hospital.

Submission at the bar for release of the petitioners is that there is no specific allegation against the petitioners and post mortem report also does not support the prosecution case to which the learned APP opposes by submitting that witnesses in paragraph nos. 5, 6, 21 and 22 have supported the allegation that these petitioners and others with intention to kill the father of the informant brutally assaulted.

In the facts and circumstances stated above and considering the fact that these petitioners are named in the FIR to have assaulted brutally to the informant's father and as such at this stage, this Court is not inclined to enlarge the petitioners Suchit Yadav, Thakur Yadav (Cr. Misc. No. 32068 of 2014) and Sahdeo Yadav (Cr. Misc. No. 32099 of 2014) on bail. Accordingly, their

prayer for bail stands rejected in connection with Katoria P.S.
Case No. 53 of 2014.



(Jitendra Mohan Sharma, J)